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MATERIALS FOR ADVANCED PUBLIC INTERNATIONAL LAW: THE GLOBAL ENVIRONMENT

Volume 3 (Documents)

Professor Craig Scott

COMPILED BY
JULIA McNALLY
& CRAIG SCOTT

Winter/Spring 1990

Faculty of Law,
University of Toronto

This volume is not to be considered as published. It is solely for the educational use of the students at the Faculty of Law, University of Toronto, and of students in other universities to whom these materials may be distributed.

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United Nations Economic Commission for Europe (ECE), "Regional Strategy for Environmental Protection... to the Year 2000 and Beyond" (1988) 18/5 EPL 175 22

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Lac Lanoux Arbitration (Spain v. France) (1957) XII UNRIAA 303, excerpt in Kindred @844 38

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OECD Clarification of Environmental Concerns in OECD Guidelines for Multinational Enterprises, (1986) 25 ILM 494 307

Draft Article 14 ("Crimes Against Humanity"), in Thiam, "Seventh Report on Draft Code of Crimes"", UN Doc. A/Cn.4/419 (1989) 309

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